HOME SECRETARIAT

Judicial enquiry into the death of Sri Raja s/o Sri Bettegowda in the Hassan Town Police Station on 29th August 1973.

Reference :—(i) Government Notification No. HD 468 SST 73 dated 14th September 1973.

(ii) Government Order No. HD 489 SST 73 dated 22nd September 1973.

(iii) Letter dated 15th October 1973 from Shri R. G. Desai, Commission of Inquiry (Hassan Incident), Bangalore.

PREAMBLE :

On the 29th August 1973, a person known as Raja, son of Bettegowda, aged about 20 years, resident of Nariballi Koppal, Hassan Taluk, died in the Hassan Town Police Station while in police custody. There were allegations that the above person had been ill-treated by the police and that this was the cause of his death. This matter was also discussed in the State Legislative Assembly and the Government promised to have the matter enquired into thoroughly. Immediately on receiving the report of the Sub-Divisional Magistrate, Hassan, Government decided to hold a judicial enquiry into this incident.

ORDER NO. HD 468 SST 73, BANGALORE, DATED THE 3RD NOVEMBER 1973.

In the Notification No. HD 468 SST 73 dated 14th September 1973, Government appointed Shri R. G. Desai, District Judge, Bangalore, as Commission of Inquiry under section 3 of the Commissions of Inquiry Act, 1952 (Central Act 60 of 1952), to enquire and report on :—

(i) the allegation that Shri Raja, s/o Sri Bettegowda, aged about 20 years, resident of Nariballi Koppal, Hassan Taluk, was ill-treated in the Police Station at Hassan on 29th August 1973 resulting in his death ;

(ii) the persons, if any, responsible therefor ;

and

(iii) the conduct of the Police and other officers who have dealt with the matter.

2. The Commission of Inquiry issued notices, both in English and in Kannada, on 19th September 1973 inviting all persons acquainted with the subject matter of the inquiry, to furnish to the Commission statements supported by affidavits. Shri B. V. Acharya, Advocate for the Government filed statements supported by affidavits on behalf of 11 persons and produced 17 documents. Shri K. A. Krishnaswamy, Advocate for Shri Bettegowda (father of the deceased) produced the statement of 8 persons including that of Shri Bettegowda. Shri M. Narayana Rao, Advocate for Shri Adirajiah, Stationery Merchant, produced the statement and affidavit of Shri Adirajiah. The Commission inspected the Hassan Town Police Station where the incident was alleged to have taken place, on the 3rd October 1973, in the presence of the Advocates. On 8th October 1973, the dead body of Sri Raja was got disinterred by the Additional District Magistrate, on the requisition of the learned advocates, in the presence of the father of the deceased and others, and Post-mortem examination was conducted on 8th October 1973 itself by Dr. H. A Somaiah, Professor and Head of the Department of Forensic Medicines, Bangalore Medical College. In all, 19 witnesses were examined before the Commission, in addition the Commission also examined a number of documents filed as exhibits. The report of the Commission was submitted to the Government on 15th October, 1973.

3. The Commission has come to the conclusion that the allegation that Shri Raja, S/o Bettegowda, aged about 20 years, was illtreated by the Police in the Police Station at Hassan, resulting in his death, has not been substantiated

by the evidence on record. In view of the above finding, the Commission has observed that the second point as regards the persons, if any, responsible for the ill-treatment of Raja does not arise for consideration. As regards the third point, the Commission has stated that the officers who have handled this matter are Police Sub-Inspector S. Raju, Dr. Range gowda, Dr. H. D. Indra Kumar and Shri K. G. Rajanna, Sub-Divisional Magistrate, Hassan. According to the Commission, Dr. N. S. Range Gowda had only examined the deceased when he was taken to the hospital and pronounced him dead, and that nothing could be imputed to his conduct. As regards Dr. H D. Indra Kumar, the Commission has observed that his relationship with Shri Adirajiah had nothing to do with his official duties. In the case of Shri K. G. Rajanna, Sub-Divisional Magistrate, Hassan, who conducted the inquest proceedings over the dead body of Shri Raja, the Commission has noticed nothing improper in his conduct in handling this matter. Even as regards P.S.I. Shri S. Raju, the Commission has not found any serious misconduct except some procedural irregularities. Thus, the Commission has not found anything unusual either in the death of Shri Raja in police custody or in the conduct of officers who dealt with the matter.

4. The Government have carefully considered the report of the Commission of Inquiry and accepted its findings. As regards the procedural irregularities attributed to Sub-Inspector Shri Raju, the Inspector General of Police is requested to take suitable action against him after holding a departmental enquiry according to the rules.

By Order and in the name of the Governor of Karnataka,

B. S. HANUMAN,

Commissioner for Home Affairs and
Secretary to Government, Home Department.

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DEVELOPMENT, HOUSING, PANCHAYAT RAJ AND CO-OPERATION SECRETARIAT

Application of Provisions of K.C.S.Rs. to the Employees of Taluk Development Boards and Panchayats.

CIRCULAR

No. DPC. 94 BDB 73, BANGALORE DATED 28TH NOVEMBER 1973

During the Meeting held in the Chambers of the Minister for Community Development and Social Welfare on 8th October 1973, the matter relating to the following Probloms, posed in the Memorandum given by the Members of the Legislature were examined.

1. The Taluka Development Board Employees are not paid pension on retirement and Provident fund also does not exist.

2. Though there is provision for payment of gratuity at low rates, it is left to the discretion of Taluk Development Boards.

3. Leave and Travelling allowance Rules and less beneficial than those applicable to Government Servants;

4. Taluka Development Board Employees are not entitled to subsistance allowance during suspension period.